

**Introduced by Senator Perata**

January 20, 1999

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An act to add Section 1367.665 to the Health and Safety Code, and to add Section 10123.20 to the Insurance Code, relating to health coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, as introduced, Perata. Health coverage: cancer screening tests.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, willful violation of any of these provisions is punishable as either a felony or a misdemeanor. Existing law also provides for the regulation of policies of disability insurance administered by the Insurance Commissioner.

Existing law requires health care service plans and disability insurers to provide coverage for certain benefits and services.

This bill would prohibit every health care service plan contract and disability insurance policy that covers hospital, medical, or surgical expenses, that is issued, amended, or renewed, on or after January 1, 2000, from denying a request for a cancer screening test, except in the case of a disability insurance policy, when the test is a benefit not covered by the policy.

Since a willful violation of the provisions applicable to health care service plans is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1367.665 is added to the Health  
2 and Safety Code, to read:

3 1367.665. No health care service plan contract that is  
4 issued, amended, or renewed on or after January 1, 2000,  
5 shall deny a request for a cancer screening test.

6 SEC. 2. Section 10123.20 is added to the Insurance  
7 Code, to read:

8 10123.20. No individual or group disability insurance  
9 policy that covers hospital, medical, or surgical expenses  
10 that is issued, amended, or renewed, on or after January  
11 1, 2000, shall deny a request for a cancer screening test  
12 when that test is consistent with generally medically  
13 accepted cancer screening tests as recommended by the  
14 guidelines of the American Medical Association, the  
15 American Cancer Society, or other nationally recognized  
16 medical societies, unless the test is a benefit not covered  
17 by the policy.

18 SEC. 3. No reimbursement is required by this act  
19 pursuant to Section 6 of Article XIII B of the California  
20 Constitution because the only costs that may be incurred  
21 by a local agency or school district will be incurred  
22 because this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section  
25 17556 of the Government Code, or changes the definition  
26 of a crime within the meaning of Section 6 of Article  
27 XIII B of the California Constitution.

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